

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 428

BY SENATORS GRADY AND ROBERTS

[Introduced January 23, 2023; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating
2 to Local School Improvement Councils; revising council membership requirements;
3 requiring minutes be taken at every council meeting; revising requirements pertaining to
4 annual council meeting regarding the school's academic performance; requiring training
5 on the role and governance of the councils and the production of a document on parent
6 and community member roles in the councils; and allowing public charter schools to abide
7 by all or some of the local school improvement council requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-2. Local school improvement councils; election and appointment of members and officers; meetings; required meetings with county board; assistance from state board.

1 (a) A local school improvement council shall be established at every school, consisting of
2 the following:

3 (1) The principal, who serves as an ex officio member of the council and is entitled to vote;

4 (2) Three teachers elected by the faculty senate of the school;

5 (3) Two service persons elected by the service personnel employed at the school, one of
6 whom ~~shall~~ may be a bus operator who transports students enrolled at the school;

7 (4) Three parent(s), guardian(s) or custodian(s) of students enrolled at the school elected
8 by the parent(s), guardian(s) or custodian(s) ~~members of the school's parent teacher organization.~~

9 ~~If there is no parent teacher organization, the parent(s), guardian(s) or custodian(s) members~~
10 ~~shall be elected by the parent(s), guardian(s) or custodian(s) of students enrolled at the school in~~

11 such manner as may be determined by the principal, one of which may be a representative of the
12 parent-teacher organization. Under no circumstances may a parent member of the council be

13 then employed at that school in any capacity;

14 (5) Three at-large members appointed by the principal, at least one of whom resides in
15 the school's attendance area, and at least one of whom represents business or industry, neither
16 of whom are eligible for any local school improvement council membership under any of the other
17 elected classes of members;

18 (6) In the case of vocational-technical schools, comprehensive middle schools and
19 comprehensive high schools, the vocational director or principal, as applicable, shall appoint up
20 to four additional members from any one or more of the following categories: Employer; employer
21 sponsored training program; apprenticeship program; and post-secondary education; and

22 (7) In the case of a school with students in grade seven or higher, the student body
23 president or other student in grade seven or higher elected by the student body in those grades.

24 (b) The principal shall arrange for the election of members to the local school improvement
25 council to be held prior to September 15, of each school year to elect a council and shall give
26 notice of the elections at least one week prior to the elections being held. To the extent practicable,
27 all elections to select council members shall be held within the same week.

28 (c) Parent(s), guardian(s) or custodian(s), teachers and service personnel elected to the
29 council shall serve a two-year term and elections shall be arranged in such a manner that no more
30 than two teachers, no more than two parent(s), guardian(s) or custodian(s) and no more than one
31 service person are elected in a given year. All other non-ex officio members shall serve one-year
32 terms.

33 (d) Council members may only be replaced upon death, resignation, failure to appear at
34 three consecutive meetings of the council for which notice was given, or a change in personal
35 circumstances so that the person is no longer representative of the class of members from which
36 appointed. In the case of a vacancy in an elected position, the chair of the council shall appoint
37 another qualified person to serve the unexpired term of the person being replaced or, in the case
38 of an appointed member of the council, the principal shall appoint a replacement as soon as
39 practicable.

40 (e) As soon as practicable after the election of council members, and no later than October
41 1, of each school year, the principal shall convene an organizational meeting of the school
42 improvement council. The principal shall notify each member by written or electronic means at
43 least five employment days in advance of the organizational meeting. At this meeting, the principal
44 shall provide each member with the following:

45 (1) A copy of the current applicable sections of this code;

46 (2) Any state board rule or regulation promulgated pursuant to the operation of these
47 councils; and

48 (3) Any information as may be developed by the Department of Education on the operation
49 and powers of local school improvement councils and their important role in improving student
50 and school performance and progress.

51 (f) The council shall elect from its membership a chair and two members to assist the chair
52 in setting the agenda for each council meeting. The chair shall serve a term of one year. If the
53 chair's position becomes vacant for any reason, the principal shall call a meeting of the council to
54 elect another qualified person to serve the unexpired term. Once elected, the chair is responsible
55 for notifying each member of the school improvement council in writing five employment days in
56 advance of any council meeting.

57 (g) School improvement councils shall meet at least once every nine weeks or equivalent
58 grading period at the call of the chair or by the petition of three fourths of its members. The
59 principal shall notify each member by written or electronic means at least five employment days
60 in advance of the organizational meeting. The school improvement council shall ensure that
61 minutes are taken at every meeting and made available to the public on the school's website and
62 upon request.

63 (h) The school improvement council annually shall conduct at least one meeting to engage
64 parents, students, school employees, business partners, trade partners, and other interested
65 parties in a positive and interactive dialogue regarding the school's academic performance and

66 standing as determined by measures adopted by the state board. The dialogue shall include an
67 opportunity for the parents, students, school employees, business partners and other interested
68 parties to make specific suggestions on how to address issues which are seen to affect the
69 school's academic performance which may include, but are not limited to, parent and community
70 involvement, the learning environment, student engagement, attendance, supports for at-risk
71 students, curricular offerings, resources, and the capacity for school improvement. The council
72 shall announce any such meeting 10 employment days in advance. The school improvement
73 council shall ensure that a report of concerns, suggestions, and points raised is produced and
74 made available on the school's website and forwarded to both the county board and the Office of
75 Accountability within the Department of Education or a successor office. The county board shall
76 also post the report on its website.

77 (i) The local school improvement council of each school deemed to be low performing
78 under the accountability system established by the state board shall meet at least annually with
79 the county board. At any such meeting, the principal and local school improvement council chair,
80 or another member designated by the chair, shall be prepared to address the dialogue at its
81 meeting or meetings to give the parents, students, school employees, business partners and other
82 interested parties an opportunity to make specific suggestions on how to address issues which
83 are seen to affect the school's academic performance and any other matters as may be requested
84 by the county board as specified in the meeting agenda provided to the council and may further
85 provide any other information, comments or suggestions the local school improvement council
86 wishes to bring to the county board's attention. Anything presented under this subsection shall be
87 submitted to the county board in writing.

88 (j) Local school improvement councils shall be considered for the receipt of school of
89 excellence awards and competitive grant awards and may receive and expend such grants for
90 the purposes provided. Local school improvement councils may propose alternatives to the
91 operation of the school in accordance with §18-5A-3 of this code and may include in the proposal

92 a request for a waiver of rules and policies of the county board and state board, state
93 superintendent interpretations, and state statutes if necessary to implement the proposal.

94 (k) In any and all matters which may fall within the scope of both the school improvement
95 councils and the school curriculum teams authorized in §18-5A-5 of this code, the school
96 curriculum teams have jurisdiction.

97 (l) In order to promote innovations and improvements in the environment for teaching and
98 learning at the school, a school improvement council shall receive cooperation from the school in
99 implementing policies and programs it may adopt to:

100 (1) Encourage the involvement of parent(s), guardian(s) or custodian(s) in their child's
101 educational process and in the school;

102 (2) Encourage businesses to provide time for their employees who are parent(s),
103 guardian(s) or custodian(s) to meet with teachers concerning their child's education;

104 (3) Encourage advice and suggestions from the business community;

105 (4) Encourage school volunteer programs and mentorship programs;

106 (5) Foster utilization of the school facilities and grounds for public community activities;

107 (6) Encourage students to adopt safe and healthy lifestyles; and

108 (7) Communicate to students the common skills and attributes sought by employers in
109 prospective employees.

110 (m) Councils may adopt their own guidelines established under this section. In addition,
111 the councils may adopt all or any part of the guidelines proposed by other local school
112 improvement councils, as developed under this section, which are not inconsistent with the laws
113 of this state, the policies of the West Virginia Board of Education or the policies of the county
114 board.

115 (n) The State Board of Education shall provide assistance to a local school improvement
116 council upon receipt of a reasonable request for that assistance. The state board also may solicit
117 proposals from other parties or entities to provide orientation training for local school improvement

118 council members and may enter into contracts or agreements for that purpose. Any training for
119 members shall meet the guidelines established by the state board.

120 (o) The state board shall ensure that the role and governance of local school improvement
121 councils is covered at least once a year in training provided to principals, county boards, and
122 others the state board determines appropriate. The state board shall also ensure that a document
123 is produced explaining to parents and community leaders their role in local school improvement
124 councils. This document shall be made available on the West Virginia Department of Education's
125 website and may be distributed to all parents.

126 (p) Any public charter school established pursuant to §18-5G-1 et seq. of this code may,
127 at its discretion, abide by all or some of the local school improvement council requirements of this
128 section and may modify any of the requirements it elects to follow to adapt them to be consistent
129 with the operations of the school.